APPENDIX

Arizona Constitution, Article 6, Section 15

The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible or delinquent children, or children accused of crime, under the age of eighteen years. The judges shall hold examinations in chambers for all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and may, in their discretion, suspend criminal prosecution of such children. The powers of the judges to control such children shall be as provided by law.

Arizona Criminal Code § 13-377

A person who, in the presence of or hearing of any woman or child, or in a public place, uses vulgar, abusive or obscene language, is guilty of a misdemeanor punishable by a fine of not less than five nor more than fifty dollars, or by imprisonment in the county jail for not more than two months.

Juvenile Code of Arizona
§§8-201 to 8-239

Article 1.
GENERAL PROVISIONS

§ 8-201. Definitions

In this chapter, unless the context otherwise requires:

1. "Juvenile court" means the superior court when exercising its jurisdiction over neglected, dependent, incor-

rigible or delinquent children, or children accused of crime under the age of eighteen years.

2. "Judge" means judge of the juvenile court.

3. "Child" means a person under the age of eighteen years.

4. "Neglected child" includes:

(a) A *child abandoned* by its parents, guardian or custodian.

(b) A child who lacks proper parental control by reason of the fault or habits of the parent, guardian or custodian.

(c) A child whose parent, guardian or custodian neglects or refuses to provide proper or necessary subsistence, education, medical and surgical care, or other care necessary for its health, morals or well-being.

(d) A child whose parent, guardian or custodian neglects or refuses to provide special care made necessary by its mental condition.

(e) A child who is found in a disreputable place or who associates with vagrant, vicious or immoral persons.

(f) A child who engages in an occupation, occupies a position, or invites conditions dangerous to life or limb or injurious to the health or morals of himself or others.

(g) A child who is subjected to cruel and inhuman treatment and shows the effect of being physically mistreated.

5. "Dependent child" includes a child who is homeless or destitute, or without proper support or care through no fault of his parent or guardian, and a child who lacks proper care by reason of the mental or physical condition of his parent, guardian or custodian.

6. "Delinquent child" includes:

(a) A child who has violated a law of the state or an ordinance or regulation of a political subdivision thereof.

(b) A child who, by reason of being incorrigible, wayward or habitually disobedient, is uncontrolled by his parent, guardian or custodian.

(c) A child who is habitually truant from school or home.

(d) A child who habitually so deports himself as to injure or endanger the morals or health of himself or others.

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§ 8-202. Jurisdiction of juvenile court

A. The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting neglected, dependent, incorrigible or delinquent children, or children accused of crime under the age of eighteen years, and when exercising that jurisdiction shall be known as the juvenile court.

B. In a county having more than one judge of the superior court, the judges shall designate, for a period of not less than one year, one of their number to serve as judge of the juvenile court.

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§ 8-203. Commissioner; power

In the absence of a judge from his county, the court commissioner shall make necessary orders for the temporary care, custody and control of children.

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§ 8-204. Probation officers

A. The judge presiding in the juvenile court may appoint a chief probation officer, a deputy probation officer and such additional deputy probation officers, not exceeding one for each fifty persons on probation, as he deems necessary. In counties of the first class the judge may appoint necessary office assistants. The probation officers, deputies and assistants shall be discreet persons of good moral character.

B. In a county having a population of fifty thousand or more, a person shall not be appointed chief probation officer until he has passed a competitive examination touching child welfare, juvenile delinquency and dependency and other subjects associated with social science, prescribed and given by a committee of three members to be appointed by the judge of the juvenile court. The members of the committee shall be persons engaged in and acquainted with educational and welfare work and practices.

C. The probation officer shall have the authority of a peace officer. He shall:

1. Look after the interests of neglected, delinquent and dependent children of the county.

2. Make investigations and file petitions.

3. Be present in court when cases are heard concerning children and represent their interests.

4. Furnish the court information and assistance as it may require.

5. Assist in the collection of sums ordered paid for the support of children.

6. Perform other acts ordered by the court.

D. The probation officer shall give bond for the faithful performance of his duties, in such sum as the court may determine, and the cost thereof shall be paid by the county.

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§ 8-205. Salaries

The salary of the chief probation officer of the juvenile court in each county, his deputies, assistants and all other employees, shall be fixed by the judge presiding in the juvenile court, with the approval of the board of supervisors, and shall be a county charge.

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§ 8-206. Venue

A. The venue of proceedings in the juvenile court shall be determined by the county of the residence of the child, or the county where the neglect, dependency or delinquency obtains or is committed.

B. Where the residence of the child and the situs of the neglect, dependency or delinquency are in different counties, invoking proceedings in one county shall bar proceedings in the others.

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ARTICLE 2.

PROCEDURE

§ 8-221. Arrest of child for violation of law

A. A peace officer, other than the probation officer, who arrests a child under the age of eighteen years shall forthwith notify the probation officer, and shall make such disposition of the child as the probation officer directs.

B. This article shall not be construed to prohibit a peace officer from taking into custody a child who is found violating a law or ordinance, who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals or welfare unless immediate action is taken.

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§ 8-222. Initiation of proceedings

A. Any person may, and a peace officer or probation officer shall, give to the juvenile court information in his possession that a child is delinquent, neglected or dependent. Thereupon the court shall make preliminary inquiry to determine whether the interest of the public or the child requires further action. When practicable, the inquiry shall include a preliminary investigation of the home and environment of the child, his previous history, his physical, mental and moral well-being, and the circumstances of the offense committed, if any. If the court determines that formal jurisdiction should be acquired, it shall authorize a petition to be filed invoking its jurisdiction in such form as it may prescribe.

B. The powers of the court may be exercised upon the filing of a petition by any resident of the county, or any peace officer or probation officer, alleging that a child is neglected, dependent or delinquent, and needs the care and protection of the court, without alleging the facts.

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§ 8-223. Child charged with crime

When a child under the age of eighteen years is charged with the commission of a crime or violation of an ordinance

before a magistrate or justice of the peace, the magistrate or justice of the peace shall certify that the child is so charged, and shall transmit the records of the case to the clerk of the superior court, and thereupon the juvenile court shall exercise jurisdiction.

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§ 8-224. Subpoena of parent or guardian; witnesses; contempt; attachment

A. When the jurisdiction of the juvenile court has attached, the court may make orders necessary for compelling the production of the child and the attendance of the parent, guardian and other persons having custody or control of the child. If a person other than the parent or guardian of the child is cited to appear, the parent or guardian, or both, shall be notified of the pendency of the case and of the time and place appointed by personal service, except as otherwise provided in this article.

B. The clerk of the court shall issue subpoenas and process to compel the attendance of necessary witnesses at a hearing involving a child. The process may be served by an officer of the court, probation officer or officer authorized to serve process in a civil action. No attendance or mileage fee shall be paid a witness, unless expressly authorized by the judge, in which event the fees allowed shall be as prescribed in civil actions. If the judge is satisfied that it is impracticable to serve personally a citation or other notice to appear, he may order service by registered mail or by publication, or both, and service in either manner twenty-four hours prior to the time fixed in the citation for the return thereof, if so ordered by the judge, is sufficient.

C. If a person cited or subpoenaed fails to appear, without reasonable cause, he may be proceeded against for contempt of court.

D. If the citation cannot be served, or the parties served fail to obey it, or when it appears to the judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, an attachment may be issued against the parent or guardian or against the child.

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§ 8-225. Custody of child pending hearing

A. Pending final disposition, the child shall be subject to the order of the court and may be permitted to remain in the control of his parents, guardian or person having his custody, or the probation officer, or he may be detained in a place provided by state or county authorities, or by an association or agency, public or private, for the care of delinquent, neglected or dependent children.

B. A dependent and neglected child shall be placed in the home of a maternal or paternal relative whenever possible, providing the home and the ability of the relative to provide proper care is approved by the court.

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§ 8-226. Detention home; separate custody

A. The board of supervisors shall maintain a detention home separate and apart from a jail or lockup in which adults are confined, which shall be under the charge of a person of good moral character, where children within the provisions of this article shall, when necessary before or after trial, be detained.

B. A child, pending a hearing, shall not be placed in an apartment, cell, place of confinement, court room or vehicle or transported in company with adults charged with or convicted of crime.

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§ 8-227. Supervision of detention home

The juvenile court shall supervise the detention home, and shall appoint the person to have charge thereof. The court shall appoint a visiting board of three members to serve without pay to inspect the detention home not less than once every ninety days. The visiting board shall make a report to the court of the condition and operation of the detention home, with such recommendations as it deems advisable, which shall be filed with the clerk of the court.

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§ 8-228. Effect of adjudication; use as evidence

A. An adjudication by the juvenile court upon the status of a child shall not operate to impose any civil disability, nor shall a child be deemed a criminal by reason thereof. An adjudication by the juvenile court shall not be deemed a conviction, nor shall a child be charged with or convicted of a crime in any court, except where the juvenile court refuses to suspend criminal prosecution.

B. The disposition of a child or of evidence given in the juvenile court shall not be admissible as evidence against the child in any proceeding in another court, nor shall such disposition or evidence disqualify a child in a civil service application, examination or appointment.

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§ 8-229. Hearings; record

The hearing of any matter involving a child shall be informal, and the judge shall, in chambers, without the intervention of a jury, inquire into the facts, order a medical or mental examination, if advisable, and make a record of the name, age and place of birth of the child and the names of his parents.

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§ 8-230. Hearing by referee

A. When it appears to the court, in a proceeding affecting a neglected, dependent or delinquent child, that the interests of the child will be served by an examination and hearing before a referee, the judge may direct that the proceeding be so heard, and shall appoint a referee to hear the matter and report his conclusions and recommendations to the court, in writing, together with all papers relating to the matter.

B. A hearing before the juvenile court upon the report of a referee shall be allowed to the parent, guardian or custodian of the child concerned, upon the filing of a request therefor within two days after conclusion of the hearing before the referee. If a hearing by the court is not requested, the conclusions and recommendations of the referee, when confirmed by an order of the court, shall become the judgment of the court.

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§ 8-231. Disposition and commitment; support; transfer of records; removal from state

A. The judge shall make such order for the commitment, custody and care of the child as the child's welfare

and the interests of the state require. He may commit the child:

1. To the care of his parents, subject to supervision of the probation officer.

2. To a probation officer, subject to such conditions as the judge may impose.

3. To a suitable institution.

4. To an association willing to receive him.

5. To a reputable citizen of good moral character.

6. To an appropriate public or private agency authorized to care for children.

7. To a suitable school.

8. To the state industrial school.

9. To an institution provided for girl juvenile offenders.

10. To maternal or paternal relatives, provided they are physically and financially able to provide proper care.

B. The juvenile court may make an order directing the parent of a child to contribute to his support such sum as the judge may determine, or may allow a reasonable sum for the support of the child at the expense of the county.

C. When the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child.

D. The juvenile court may permit removal from the state of a neglected, dependent or delinquent child, by the person to whom his care may be temporarily awarded, upon such recognizance, with or without sureties, as may

satisfy the court, obligating the person to produce the child when required by the court.

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§ 8-232. When child may not be committed; medical examination

A. A delinquent child under the age of twelve years shall not be committed to the state industrial school, or to an institution for girl juvenile offenders, unless, after the care given the child by probation, the court finds that the interests of the child and the welfare of the community demand his commitment, nor shall a neglected or dependent child be committed to any such school.

B. Before commitment, every juvenile offender shall be given a medical examination, which shall include an x-ray of the lungs and a blood test for syphilis. A record thereof shall be made, including medical findings based thereon, and if the juvenile offender is thereafter committed to an institution, the record shall accompany his commitment papers.

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§ 8-233. Guardianship

When the juvenile court awards a dependent child to the care of an association, board or institution, public or private, or to an individual, the child shall, unless otherwise ordered, become the ward and be subject to the guardianship of that association, board, institution or individual. The association, board, institution or individual shall have authority to place the child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may appear in court

where the proceedings are pending and consent to adoption. Consent of the association, board or institution, public or private, or the individual to whom the court has awarded the dependent child, shall be sufficient to authorize the court, in its discretion, to include guardianship of the estate of the child. As amended Laws 1956, Ch. 149, § 1.

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§ 8-234. Report of custodian

When a child is committed to the care of any person, the matter shall be assigned by the juvenile court to a probation officer, who shall require a report quarterly, or oftener if the court so orders, from the person to whom the child has been committed, reporting the child's condition and welfare. The report shall be filed with the court.

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§ 8-235. Physical and mental care

A. When a child concerning whom a petition has been filed in the juvenile court appears to be in need of medical or surgical care, the court may order the parent, guardian or custodian to provide treatment for the child in a hospital or otherwise. If the parent, guardian or custodian fails to provide the care as ordered, the court may, after notice, enter an order therefor, and the expense, when approved by the court, shall be a county charge. The court may adjudge that the person required by law to support the child pay part or all the expense of treatment.

B. If it appears that a child concerning whom a petition has been filed in the juvenile court is mentally defective or mentally disordered, the court may commit the child to an

institution authorized by law to receive and care for such children.

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§ 8-236. Jurisdiction; length of commitment; placement

A. When jurisdiction has been acquired by the juvenile court of a child, the child shall continue under the jurisdiction of the court until he becomes twenty-one years of age, unless sooner discharged, except that from the time of admittance to the state industrial school or to an institution for girl juvenile offenders, a child shall be subject to the exclusive control of the board of directors of state institutions for juveniles until his absolute release.

B. A commitment of a child shall not extend beyond the minority of the child, and commitments to the state industrial school or an institution for girl juvenile offenders shall be for the term of the child's minority, unless sooner discharged by the board of directors of state institutions for juveniles.

C. The court, in making orders for the commitment or adoption of a child, shall place it, as far as possible, in the custody of persons having the same religious belief. When possible the child shall be placed in an appropriate family home and become a member of the family by adoption or otherwise.

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§ 8-238. Destruction of record

Upon the expiration of the period of probation or following the expiration of two years after the discharge of a child from the institution to which he may have been committed, the judge of the juvenile court shall order the clerk

to destroy the records of the proceeding, unless it appears that prior to the expiration of the prescribed period the child has been convicted of an offense under the laws of this or another state. The superintendent of the institution shall notify the clerk of the court which committed the child when two years have expired after his discharge.

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§ 8-239. Cooperation

County, city and town officials and departments shall render assistance and cooperation within their power which may further the objects of this article. An institution or agency to which the juvenile court commits a child shall give the court or an officer appointed by it such information concerning the child as the court or the officer may require.

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